



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/255,325	02/23/99	HAMALAINEN	J 297-005754-U

HARRY F SMITH  
PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD CT 06430

WM02/1207

EXAMINER

LEE, C

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

12/07/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/255,325

Applicant(s)  
Jari Hamalainen et al

Examiner  
Andrew Lee

Group Art Unit  
2663



☒ Responsive to communication(s) filed on Nov 30, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-73 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1-20, 23, 25-38, 42, 44-57, 61, 63, and 66 is/are allowed.
- ☒ Claim(s) 21, 22, 24, 39-41, 43, 58-60, 62, 64, 65, and 67-73 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2663

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 9/26/2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/255,325 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments filed 8/30/200 and 11/30/00 have been fully considered but they are not persuasive.

Re Claims 39, 41, 43, 58, 60, and 62, Applicant's arguments filed 8/30/2000 contends that Shepherd '423 always has allocated for each channel in the uplink and downlink direction of an equal number of time slots.

However, Shepherd teaches that the data transaction is asymmetric which means unequal number of uplink and downlink channels. Shepherd further teaches when one of the time slots is known to be under-utilised can then be released and made available for other unidirectional signalling (see col. 3, lines 19-43).

Re Claims 39, 41, 43, 58, 60, and 62, Applicant's arguments filed 11/30/00 contends that Shepherd fails to teach the "one of a symmetry and an asymmetry of packet data transmission". This limitation is further defined as "one of an equal and an unequal number".

Art Unit: 2663

However, Shepherd teaches asymmetry in time slot allocation and symmetry is the underlying prior art.

Applicant further argues that "the allocation of the time slots fully dynamic in that at the very beginning, only the number of time slots that are needed in each direction (uplink or downlink) are allocated". However, this limitation is not claimed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 39, 40, 21, 41, 22, 43, 24, 58, 59, 64, 60, 65, 62, 67-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Shepherd et al U.S. Patent No. 5,117,423.

Re Claims 39, 40, 41, 43, 58, 59, 60, and 62, Shepherd et al teaches in fig 2, plurality of radio channels are divided by time slots wherein within each frame 12 of the 24 slots are allocated for transmission in the forward direction and the other 12 slots are allocated for the reverse direction (defining uplink and downlink logical channels); further teaches fig 2, the message structure used within the time slots which contains eight bytes of signalling data 20 and forty bytes of data 22 (see col 1, lines 34-66); further teaches that if it is known in advance or realised that (reservation of n time slots) a data transaction will be or is asymmetric then two or more

Art Unit: 2663

duplex voice channels (variable number of time slots allocated) can be assigned to the data transaction for the duration of the transaction (see col 3, lines 20-35).

Re Claims 21, 22, 24, 64, 65, and 67, it is inherent that the number of time slots is dependent upon a total demand for packet data transmission in the cell, a system is only limited to capacity it is designed for ,i.e.,number of time slots.. The total demand for the packet data transmission can not exceed the system capacity. Therefore, the system will only allocate time slots within its capability.

Re Claims 68-73, Shepherd further teaches when one of the time slots is known to be under-utilised can then be released and made available for other unidirectional signalling. This teaching reads on "one direction at a time". (see col. 3, lines 19-43).

5. Inquiry concerning this communication or eariler communications from the examiner should be directed to Andrew Lee whose telephone number is 703)305-1500. The examiner can normally be reached on Monday-Friday from 8:30 AM - 6:00PM, Eastern Time. If attempts to reach the examiner by telephone are not successful, the examiner's supervisor,

**Mr. Chau Nguyen**, can be reached on 703)308-5340.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, DC 20231 or faxed to:

(703) 308-9051, for formal communications intended for entry or (703) 308-5403,

Art Unit: 2663

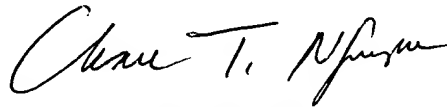
for informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**.

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, Virginia Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the group receptionist whose telephone number is 703)305-3900.

Andrew Lee

December 1, 2000.



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600